United Nations A/59/738

General Assembly

Distr.: General
15 March 2005
English
Original: Spanish

Fifty-ninth session
Agenda items 105 and 148

Human rights questions

Measures to eliminate international terrorism

Letter dated 15 March 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to inform you that despite all the efforts of their family members, the Government of Cuba and individuals and organizations in the United States of America, the United States authorities have continued to inflict cruel, inhuman and degrading treatment on René González, Gerardo Hernández, Ramón Labañino, Fernando González and Antonio Guerrero, who are serving lengthy and unjust sentences in that country amounting in total to four life sentences plus 75 years' imprisonment.

As I have had the honour to inform you previously in letters dated 4 June 2002 (A/56/969), 30 August 2002 (A/56/1031), 29 October 2002 (A/57/594) and 16 January 2004 (A/58/685), neither the process of appealing these sentences nor the difficulties faced by the family members of these prisoners seeking to visit them have been resolved.

The United States Government has again denied entry visas to the United States to Olga Salanueva, wife of René González, and Adriana Pérez, wife of Gerardo Hernández, just as it did in April, July and September 2002 and in April 2003 and 2004. The denial was based on arbitrary decisions without any justification whatsoever.

The United Nations should not stand idly by while flagrant human rights violations are being committed against these Cuban families.

On 23 April 2002, the United States Government refused to grant a visa to Ms. Salanueva (see letter dated 4 June 2002 (A/56/969)) and declared her application inadmissible under section 212 (a) (3) (B) of the Immigration and Nationality Act, thus implying that she was a terrorist.

On 25 September 2002, the United States Government again refused to grant a visa to Ms. Salanueva (see letter dated 29 October 2002 (A/57/594)), without providing any explanation whatsoever.

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In April 2003, Ms. Salanueva was again denied a visa, this time on the grounds of section 212 (f), whereby the President may suspend the entry into United States territory of any alien if he finds that such entry would be detrimental to the interests of national security.

In October 2003 and April 2004, the United States Government again denied Ms. Salanueva a visa, and on these two occasions cited different grounds for denying the visa. Ms. Salanueva was no longer inadmissible because she was a "terrorist" but because she was now presumed to be an intelligence agent, saboteur, or someone who might aim at the overthrow of the United States Government by force, violence or other unlawful means, as can be inferred from the wording of section 212 (a) (3) (A), which was invoked to justify the refusal to grant a visa.

In February 2005, Ms. Salanueva was again denied a visa.

Ms. Salanueva resided legally in the United States for two years and two months following the arrest of René González, which had taken place in her home and in her presence. At that time, there was no indication that she was linked with the charges subsequently brought against her husband, and she was not accused of or charged with any federal offence.

Had it been thought necessary, two years and two months would have been sufficient time for the United States Government to bring charges against her.

Furthermore, refusing to grant her a visa on the grounds of presumed intelligence activity is an absurd argument, especially since René González was not accused of espionage or of any of the other grounds mentioned in section 212.

By refusing to grant a visa to Ms. Salanueva, the United States Government is preventing her little daughter, Ivette González, only six years of age, from visiting her father, whom she has not seen since she was a baby.

In the case of Adriana Pérez, as stated in our letter of 30 August 2002 (A/56/1031), on 25 July 2002 the United States Government prevented her from entering the United States, after granting her a visa, without offering any explanation to justify the decision to deny her entry into the United States.

If it had any solid evidence, the United States Government could have taken action against Ms. Pérez when officials arbitrarily held her for 11 hours at the airport in Houston, Texas. On that occasion they revoked her visa and prevented her entry into the United States, which was for the sole purpose of visiting her husband in prison.

In April 2003, the United States Government refused to grant a visa to Ms. Pérez on the grounds of section 212 (f), whereby the President may suspend the entry into the United States of any alien if he finds it to be detrimental to the interests of national security.

In October 2003 and April 2004, the United States Government again denied Ms. Pérez a visa on the grounds of section 212 (a) (3) (A) of the 1996 Immigration and Nationality Act. Did the United States Government possibly consider Adriana Pérez to be a presumed intelligence agent, saboteur, or someone who might aim at the overthrow of the United States Government by force, violence or other unlawful means, as might be inferred from the wording of the section used to justify that decision?

In January 2005, the United States Government again refused to grant a visa to Adriana Pérez, this time on the grounds of section 212 (f).

The United States Government does not have, nor could it have, any proof or information to support the assumption that the presence of Ms. Pérez within the United States could be detrimental to the country's interests. Her name does not appear on the indictments brought against her husband, Gerardo Hernández, or any of his four comrades.

There is no conceivable justification for denying visas to Olga Salanueva and Adriana Pérez when there are many rules and principles of international law, and of United States law as well, that require the United States Government to facilitate their visits to their husbands held in United States prisons.

The continued denial of visas, in addition to being a violation of their human rights — the rights of the women and the rights of their husbands and family members — is tantamount to continued disregard for the many instruments of international law that set forth clearly the rights of prisoners to receive visits from family members and the obligation of Governments to facilitate such visits.

For other family members, the United States Government has also continued to delay unnecessarily the granting of entry permits, although it claims to have granted a total of 70 visas. What the United States Government fails to mention is that these 70 visas were issued to the family members of five people over a period of six years. This means that the average number of visas granted per family member (including mothers, fathers, spouses and children) is barely one per year per family member.

Accordingly, in most cases family members have been able to visit only once a year on average, even when, in accordance with the visitation arrangements of the respective prisons, visits could have taken place more frequently had a visa been granted.

Carmen Nordelo, Magalis Llort and Irma Sehwerert, the mothers of Gerardo Hernández, Fernando González and René González, and Holmes Labañino, father of Ramón Labañino, were obliged by the United States Government to wait from August 2003 until April 2004 before being granted visas in order to be able to visit their sons.

The repeated refusal of the United States Government to grant visas to Olga Salanueva and Adriana Pérez and its systematic efforts to delay unnecessarily the issuance of entry permits to Rosa Aurora Freijanes, wife of Fernando González, and Elizabeth Palmeiro, wife of Ramón Labañino; to the mothers, Mirtha Rodriguez, Irma Sehwerert, Magalis Llort and Carmen Nordelo; and to the children and other family members, constitutes a detestable act of cruelty lacking any justification.

Given the humanitarian nature of these visits and its moral and legal obligation to facilitate them, the United States Government should grant the visas which it has thus far repeatedly denied to Olga Salanueva and Adriana Pérez, and ensure the issuance of entry permits to the remaining family members within the established minimum time limits.

I should be grateful if you would circulate this letter as a document of the General Assembly under item 105, "Human rights questions", and item 148, "Measures to eliminate international terrorism".

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative